THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 20336 OF 2005

15-11-2005

Between:

K.Srinivasa Rao.

……PETITIONER

And

The District Collector, karimnagar & Others.

…….RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 20336 OF 2005

ORDER: (Per Hon'ble Sri Bilal Nazki, ACJ)

This writ petition has been filed in public interest, seeking a direction that M/s.Surendra Nehru Hospital being run by respondents No.5 and 6 could be shifted from Markandeya Colony, Godavarikhani, Karimnagar District, as it is causing pollution.

Counters have been filed and we have heard learned Counsel for the parties.

There are allegations that the medical waste is not being disposed of properly by the hospital, which creates pollution. It is also alleged that diesel generators have been fixed, which creates noise pollution and the patients and their attendants come in vehicles in large numbers, creating air and sound pollution.

The Pollution Control Board has filed an affidavit, in which, they gave a detailed account of the functioning of the hospital and they stated that after their intervention in the matter, the hospital is using inverters in the place of diesel generators. They are also using Needle Cuttor/Destroyer and separate bins are being used for bio-medical waste, which would be handed over to the Municipal authorities. The Pollution Control Board has also given in the counter-affidavit, the details of the bio-medical waste that is being generated from the hospital and it appears that the Board was satisfied that the bio-medical waste is being disposed of through the Municipal authorities at Ramagundam. The Board has also submitted in its counter that the petitioner's house is situated at a distance of 6.3 Metres from the hospital on the Southwest direction. Around 10 to 15 residential houses are located surrounding the hospital. There is a cinema theatre namely 'Rajesh Theatre' situated on the Northern side of the hospital and respondents No.5 and 6 are only doing general practice. About 30 to 40 patients visit the hospital daily. It was also

observed by the Board that the road is blocked due to improper vehicle parking like two-wheelers, cars and autos, which might be causing inconvenience to the residents. No bad smell/odor emanates from the hospital.

It is submitted by the learned Counsel for respondents No.5 and 6 that although a cinema theatre is located just in the vicinity of the hospital, no objection is raised with respect to that cinema theatre, which attracts more vehicles than the hospital. He submits that in fact, respondents No.5 and 6 are not running the hospital, but only a consulting chamber, where patients will come, have consultations and leave. Additionally, he has filed an affidavit, in which he has submitted that the patients, who visit the clinic, use public transport like rickshaws and autos, which drop the patients at the clinic and leave. Some villagers come by two-wheelers. In order to reduce any inconvenience caused to the neighbouring residents, they have already taken steps for keeping the entire set back area of the building vacant for the purpose of facilitating the parking of two wheelers. They have also appointed a watchman for ensuring the orderly parking of vehicles inside the compound wall to avoid any parking on the road. They have also put up boards outside the gate for no parking.

In these circumstances, we do not think that any further directions are necessary to be given in this writ petition, except asking the traffic authorities to be vigilant and see that no inconvenience is caused to the public due to parking of vehicles on the main road. Let a copy of this order go to the Sub-Divisional Police Officer concerned.

Writ petition is accordingly disposed of. No order as to costs.

(BILAL NAZKI, ACJ)

15th November 2005

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(R.SUBHASH REDDY,J)

N.B:-

Copy of the order be sent to the Sub-Divisional Police officer concerned.

(B/o)

ajr